

## **MITIGATED NEGATIVE DECLARATION**

August 31, 2006

Project Name: Pijnenburg

Project Number(s): TPM 20778RPL<sup>3</sup>; Log No. 03-20-007

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for archaeology, biology, hydrology

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

- I. Prior to issuance of grading permits or construction permits, or on the Parcel Map, whichever comes first, the applicant shall:
  - A. Grant to the County of San Diego an open space easement as shown on the Open Space Exhibit dated April 21, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 03-20-007. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exception to this prohibition is:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use.
- B. Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated April 21, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 03-20-007. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

1. Structures designed or intended for occupancy by humans or animals located no less than 100 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.
  2. Decking, fences, and similar facilities.
  3. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
- C. Grant to the County of San Diego an open space easement over portions of Parcels 2 through 4 and the Remainder Parcel as shown on the Open Space Exhibit dated April 21, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 03-20-007. This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space.

The sole exceptions to this prohibition are as follows:

1. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.

2. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
  3. Construction, use, and maintenance of wells and septic systems, on Parcels 2, 4 and the Remainder Parcel in the location shown on the Open Space Exhibit dated April 21, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 03-20-007.
  4. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.
  5. Construction, use, and maintenance of a (public street, private road, or driveway).
- D. Grant to the County of San Diego a Noise Protection Easement over a strip of land 300 feet from the centerline of State Route 94 on Parcels 2, 3, 4, and the Remainder Parcel of Tentative Parcel Map 20778RPL<sup>3</sup>. This easement is for the mitigation of present and anticipated future excess noise levels on residential uses of the affected Parcels. The easement shall require:

Prior to the issuance of any building or grading permit for any residential use within the noise protection easement, the applicant shall:

1. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County certified acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)].
  2. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.
- E. Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Fencing and Signage Exhibit dated April 21, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 03-20-007. Evidence shall include photographs of a sign placed on the project site and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**“Sensitive Environmental Resources**  
Disturbance Beyond this Point is Restricted  
by Easement

Information:  
Contact County of San Diego, Department of Planning and Land Use  
Ref:03-20-007.”

- II. Prior to obtaining any building or grading permit, the applicant shall:
- A. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary.

The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. All temporary fencing shall be removed only after the conclusion of such activity. The temporary fencing condition shall be released on a parcel-by-parcel basis.

- III. Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, the applicant shall:
  - A. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls have been placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Permanent fencing or walls are required in all locations of the project as shown on the Open Space Fencing and Signage Exhibit dated April 21, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 03-20-007. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. Construction materials and fence or wall design are subject to approval by the Department of Planning and Land Use. Minimum fence or wall height shall be four (4) feet. The permanent fencing condition shall be released on a parcel-by-parcel basis.
- IV. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- B. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:
1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
  2. SIGHT DISTANCE [DPW]
    - a. Prior to recordation, a registered traffic engineer or registered civil engineer shall provide a signed statement that "Physically, there is a minimum of 186 meters or six-hundred and eleven feet (611') of unobstructed sight distance in both directions from the project entrance along SR-94 and 300' in both directions from the project entrances along Barrett Smith Road; per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved June 30, 1999)." The vegetation/topography currently obstructing the sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." All of the foregoing shall be to the satisfaction of the Director of Public Works and (CalTrans-for SR-94).
  3. PRIVATE ROAD EASEMENTS [DPW] [FIRE]
    - a. The Parcel Map shall show a minimum 40-foot wide private road easement from the vicinity of the northeast corner of the Remainder Parcel to SR-94 to include 20-foot radius corner roundings on-site at the road intersection with SR-94. The private road easement shall be a minimum of 300 feet away from any other entrance or drive on SR-94.
    - b. The Parcel Map shall show a minimum 40-foot wide private road easement from Barrett Smith Road to Parcel 2 to include 20-foot radius corner roundings on-site at the road intersection with Barrett Smith Road. The private road easement shall be a minimum of 200 feet away from any other entrance or drive on Barrett Smith Road.

4. ROAD DEDICATIONS

- a. Offer to dedicate the right-of-way required to complete a one hundred and forty-eight foot (148') wide, one-half right-of-way width on each side of the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the one hundred and forty-eight (148') limit for that portion within the land division for SR-94, to the satisfaction of CalTrans and the Director of Public Works. The Parcel Map shall be prepared to show the offer being rejected.
- b. Any offer of dedication or grant of right-of-way shall be free of any burden or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per Section 81.705(a) of the County Code at the time of recordation of the Parcel Map.
- c. All off map dedications shall be by separate document.
- d. Relinquish all access rights into SR-94 except for the project entrance road located approximately 170 feet west of the northeast corner of Parcel 4 to the satisfaction of CalTrans and the Director of Public Works.
- e. Offer to dedicate the right-of-way required to complete a sixty foot (60') wide right-of-way, plus the right to construct and maintain slopes and drainage improvements as required beyond the sixty foot (60') limit for that portion within the land division for Barrett Smith Road in accordance with Public Road Standards for a Residential Collector Road. The Parcel Map shall be prepared to show the offer being rejected.
- f. Offer to dedicate the right-of-way required to complete a sixty-foot (60') wide right-of-way, plus the right to construct and maintain slopes and drainage improvements as required beyond the sixty-foot (60') limit for that portion within the land division for Barrett Smith Road. The Parcel Map shall be prepared to show the offer being accepted.



5. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/  
DEVELOPMENT IMPACT FEES [DPW]

- a. The subdivider shall authorize special districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights.
- b. The subdivider shall provide for maintenance of the on-site private roads that serve the project through a private road maintenance agreement.

6. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from the following: SBC/Pacific Bell/AT&T California, Olivenhain Municipal Water District, Yucca Mutual Water Company, and Rainbow Municipal Water District. [DPW]
- b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature. [DPW]

7. CIRCULATION ELEMENT ROADS

- a. Prior to preparation of the Parcel Map, the engineer or surveyor preparing the map shall contact the County of San Diego, Department of Public Works, to determine the desired location of the centerline for SR-94, which is shown

on the Circulation Element of the County General Plan. The following shall be shown on the Parcel Map:

- (1) The centerline location as approved by CALTRANS. Contact CALTRANS (619-688-6954) for this location, and supply verification of approved alignment.
- (2) The width of the right-of-way which is a minimum of seventy-four feet (74') from the centerline and is identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening."
- (3) A building line which is a minimum of one hundred and four feet (104') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
- (4) Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-sections sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.

8. FLOODING/DRAINAGE [DPW]

- a. Lines of inundation to the limits of the 100-year flood along the watercourses, which flow through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.
  - (1) The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the inundation limits and annotate the limits on a copy of the Tentative Parcel Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.

- (2) A flowage easement encompassing the 100-year flood inundation limits above, on the watercourses which flow through the property shall be dedicated to the County of San Diego. This pertains to watersheds having areas of one (1) square mile or more.

C. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE ROADS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR

CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PRIVATE ROAD IMPROVEMENTS [DPW] [FIRE]

- a. The private easement road from the vicinity of the northeast corner of the Remainder Parcel to SR-94; shall be graded twenty feet (20') wide and improved sixteen feet (16') wide with disintegrated granite. NOTE: Where grades exceed 8%, or are less than 1.0%, asphaltic concrete shall be required in lieu of disintegrated granite. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Roads for one hundred (100) or less trips shall apply. All of the foregoing shall be to the satisfaction of the Director of Public Works and the San Diego Rural Fire Protection District. Note: The driveway for Parcel 4 shall connect to the aforementioned private easement road.
- b. The private easement road from Barrett Smith Road to Parcel 2 shall be graded twenty feet (20') wide and improved sixteen feet (16') wide with disintegrated granite. NOTE: Where grades exceed 8%, or are less than 1.0%, asphaltic concrete shall be required in lieu of disintegrated granite. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Roads for one hundred (100) or less trips shall apply. All of the foregoing to the satisfaction of the Director of Public Works and the San Diego Rural Fire Protection District. Note: The driveway for Parcel 3 shall connect to the aforementioned private easement road.
- c. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement

plans shall be designed in accordance with County Standards for Private Roads.

- d. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- e. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road from the vicinity of the northeast corner of the Remainder Parcel, including all slopes, to SR-94, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- f. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road from Barrett Smith Road to Parcel 2, including all slopes, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- g. The structural section for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Roads.
- h. A permit shall be obtained from CalTrans, for the improvements to be made within the public right-of-way (SR-94). A permit shall be obtained from the County of San

Diego, for the improvements to be made within the public right-of-way of Barrett Smith Road. The connection of the private easement road to SR-94 and Barrett Smith Road, will have to match the construction of the public road. A copy of the CalTrans permit and County of San Diego permit and evidence that all the requirements of the permit have been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

D. OTHER REQUIREMENTS [DPW] [DPLU]

1. For the duration of this project-Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

DEVON MUTO, Planning Manager  
Regulatory Planning Division

DM:MH:jcr

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